

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
GRAYMONT SECTION 10 EXPLORATION PROJECT
ENVIRONMENTAL ASSESSMENT
BLM/EK/PL-2003/037
NVN-077585**

Finding of No Significant Impact:

Based on the analysis of the attached Environmental Assessment BLM/EK/PL-2003/037, I have determined that the proposed action will not have a significant effect on the human environment and therefore, an environmental impact statement will not be prepared.

Decision:

It is my decision to authorize the Graymont Section 10 Exploration Project Plan of Operations as described in the proposed action of BLM/EK/PL-2003/037.

Stipulations:

Graymont will comply with the Migratory Bird Treaty Act by minimizing exploration operations during the breeding season (3/15-7/15) of ground nesting migratory birds using the area. If exploration is proposed during the breeding season, nest surveys will be conducted prior to disturbance and buffer zones will be established to protect identified active nests.

To comply with Class II VRM standards it may be necessary for Graymont to reestablish the same tree species that may be removed from the site during exploration. Re-establishment of the tree species will be accomplished by transplanting with the use of a tree spade or seed could be collected, grown, and then planted on site. Transplanting with a tree spade is timelier and if done correctly, planting success is higher. Collecting seed and having grown for planting stock usually takes four to five years.

Graymont will compensate the Bureau of Land Management (BLM) for the trees removed or killed during exploration by the means of acquiring a woodcutting permit(s) from the BLM before exploration activities take place

No drilling or other disturbance shall occur within 50 meters of unevaluated cultural resource site CRNV-11-10438. In the event that cultural resource site CRNV-11-10438 is subsequently found to have been damaged by activities associated with the proposed action, Graymont will draft a data recovery plan for the affected site within three months. After the data recovery plan has been accepted by the BLM and the State Historic

Preservation Office (SHPO), Graymont will implement data recovery at the affected cultural site within one year of the date of acceptance of the data recovery plan by the BLM and the SHPO.

Monitoring:

A BLM representative will make regular field inspections of the Graymont Section 10 Exploration Project. These inspections will be performed throughout operation and reclamation of the proposed action. All field inspections will be documented in the project file at the BLM office in Elko, Nevada.

This site will require minimal annual monitoring by Graymont Western U.S. Inc.. Annual monitoring of the progress of the re-vegetation and for possible erosion will be completed. Additional maintenance and reseeding requirements will be determined from the annual inspections.

Graymont Western U.S. Inc. is required to submit an Exploration Program Summary Report by April 15 of each year to the BLM. This Exploration Program Summary Report will describe, including a map illustrating disturbance, all exploration activities that occurred for the year, including all disturbance constructed and reclaimed. The scope of the planned activities of the upcoming year shall be outlined as part of the Summary Report. If the proposed activities go beyond the limits defined in the Plan of Operations, then an amendment to the plan would be required to be filed with the BLM.

Rationale:

As a result of the analysis in the Graymont Section 10 Exploration Project Environmental Assessment, BLM/EK/PL-2003/037, it was determined that the proposed action will not result in unnecessary or undue degradation to the public lands. The Wells Resource Management Plan (RMP) is silent for the proposed action and alternative; however, they are consistent with the objectives of the RMP and are consistent with Federal, State and local laws, regulations, and plans to the maximum extent.

The no action alternative was not selected because it will not satisfy the need for the applicant's right to conduct mineral exploration. The implementation of the proposed action will allow Graymont to pursue their exploration and development-drilling program on public lands within the Section 10 Exploration Project Area.

Approval of the proposal will allow for a mineral exploration project with minimal adverse impacts to natural resources. Title 43 CFR 3809 Regulations require the claimant to file a plan of operations when the claimant proposes to create more than five acres of surface disturbance on their claims at any given time before conducting reclamation activities.

The General Mining Law of 1872 gives the claimant the right to explore, discover, and diligently develop the mineral deposit(s) on their claims in a prudent manner. The Bureau of Land Management's responsibility is to determine and assure that unnecessary or undue degradation

does not occur to the public lands during the exploration for and/or development of locatable mineral deposit(s).

The decision is subject to appeal pursuant to 43 CFR 3809.4. A party that is adversely affected may file such an appeal in accordance with the procedures in 43 CFR, Part 4. An appeal shall be filed no later than 30 days after the date the Decision Record is available to the public.

Helen Hankins, Manager
Elko Field Office

Date